



# City of Stayton

---

## *Planning Department*

Mailing address: 362 N. Third Avenue · Stayton, OR 97383

Office location: 311 N. Third Avenue

Phone: (503) 769-2998 · FAX: (503) 767-2134

Email: [dfleishman@ci.stayton.or.us](mailto:dfleishman@ci.stayton.or.us)

**TO:** Mayor Virginia L. Honeywell  
City Council Members  
Potential Members of the Charter Review Committee

**FROM:** Dan Fleishman, City Planner

**DATE:** July 28, 2008

**SUBJECT:** Potential Charter Revisions

---

### ISSUE

Due to a conflict with the regularly scheduled Planning Commission meeting, I will not be able to attend the first meeting of the potential Charter Review Committee. Therefore, I have taken the opportunity to compose this memorandum with some ideas for Charter revisions for the Committee to consider. I want to suggest two areas for consideration.

In the two years that I have worked for the City, I have witnessed what appears to be a cumbersome ordinance enactment procedure. Chapter VIII of the current Charter establishes the process for enactment of ordinances. Though the Charter allows exceptions, the “normal” enactment procedure requires a process of “fully and distinctly” reading the proposed ordinance at two different meetings of the Council. My guess is that this is a procedure left over from the nineteenth century when a majority of the City Councilors was likely to be illiterate and needed the ordinance read to them in order to know what they were about to vote on.

In my tenure here, the Council has enacted 15 ordinances. Every ordinance has been enacted taking advantage of the exceptions in the charter, allowing the council to waive reading of the ordinance and in every case both readings of the ordinance have been accomplished in the same meeting. Therefore I suggest the Committee consider a different ordinance enactment procedure for inclusion in possible charter amendments it may refer to the public for adoption.

I would suggest that the Charter should require that

- public notice be given and a hearing held in advance of enactment of any ordinance. Currently, there is a requirement for a hearing and notice only of ordinances that are land use ordinances, as these ordinances are covered under Oregon’s land use planning statutes. No hearing is required otherwise and no public notice of a proposed ordinance is required unless the ordinance is going to be read by title only. The Charter should require the Council conduct a public hearing to take testimony on the proposed ordinance and that notice of the hearing be posted in the newspaper, the city’s web site, and a number of locations in the city likely to be visited by the public.

- provision be made for the enactment of ordinances without public notice and hearing when the public health, safety and welfare require, but such emergency ordinances be interim ordinances in effect for a limited time (perhaps 30 or 45 days), allowing time for notice and hearing for a permanent ordinance to replace the emergency ordinance. There may be times that an emergency situation requires quick action. The above procedures would allow such an emergency to be addressed, but would require a more public procedure later.
- the requirement for readings of the ordinance be removed from the charter. With more universal literacy, there should not be need for an ordinance to be read aloud at the meeting.

Should the Committee wish to pursue these suggestions, I would be willing to work with the City Attorney to present a first draft of ideas to implement them.

Secondly, I would like to simply remind the Committee that this past winter, when considering the idea of voter approval of annexation requests, the Planning Commission's recommendation to the Council was that the issue could be addressed by Code amendment at that time, but that the Council should consider an amendment to incorporate the provisions into the charter. The Council, at that time, noted that it had initiated this Charter review process.

Please let me know how I can be of assistance to the Committee.